

*** NOT FOR PUBLICATION ***

NO. 26012

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ROBERT LANSDELL and KEIKO LANSDELL, Plaintiffs-Appellants

vs.

COUNTY OF KAUAI and STATE OF HAWAII, Defendants-Appellees

and

BALI HAI VILLAS LIMITED PARTNERSHIP, BALI HAI VILLAS INC.,
RICHARD VOGEL, PAMELA VOGEL, JOHN DOES 1-5, JOHN DOE CORPORATIONS
1-5, JOHN DOE PARTNERSHIPS 1-5, ROE NON-PROFIT ORGANIZATIONS 1-5
and ROE GOVERNMENTAL AGENCIES 1-5, Defendants

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIV. NO. 00-1-0125)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's July 9, 2003 order granting summary judgment on the plaintiffs' claims in favor of defendants County of Kauai and State of Hawai'i has not been reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

Dated: Honolulu, Hawai'i, December 12, 2003.